

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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IN RE: BAIR HUGGER FORCED AIR      MDL No.: 15-md-02666 (JNE/DTS)  
WARMING PRODUCT LIABILITY  
LITIGATION

This Document Relates To:

MARIA MCGUIRE, as Executor of the  
Estate of JOHN MCGUIRE, Deceased,

Civil Action No.: 18-cv-02080

Plaintiff,

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**DECLARATION OF SAMANTHA RODRGIEUZ IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Samantha Rodriguez, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Maria McGuire, executor of the Estate of John McGuire, deceased, in the above-captioned matter.
2. I submit this declaration in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1828] filed on March 5, 2019.
3. Mr. McGuire contacted Kennedy Hodges, LLP regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Mr. McGuire's treatment were obtained by Kennedy Hodges through its third-party medical records retrieval company.



5. This case was filed on July 20, 2018 to comply with a possible statute of limitations deadline identified by counsel.
6. Efforts to complete the Plaintiff Fact Sheet have been complicated by the inability to obtain the complete set of medical records.
7. Maria McGuire is the executor of John McGuire's estate.
8. Since Mr. McGuire is deceased, medical facilities require the executor sign all medical authorizations.
9. Maria McGuire is elderly, and her son requests that we send documents to him and then he delivers them to his mother. Therefore, there has been a delay with obtaining signatures from the executor and a delay in requesting the appropriate records.
10. A medical records request was placed some time ago; however, the medical facility has recently informed Counsel that records for the time frame requested are not available.
11. Counsel had to modify the medical records request, and is still awaiting the appropriate records to complete the Plaintiff Fact Sheet
12. As we have been unable to obtain the additional information necessary to complete the Plaintiff Fact Sheet, we have thus far been unable to submit a Plaintiff Fact Sheet for this case.



Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing  
is true and correct.

March 12, 2019

/s/Samantha Rodriguez  
Samantha Rodriguez